

REMARKS

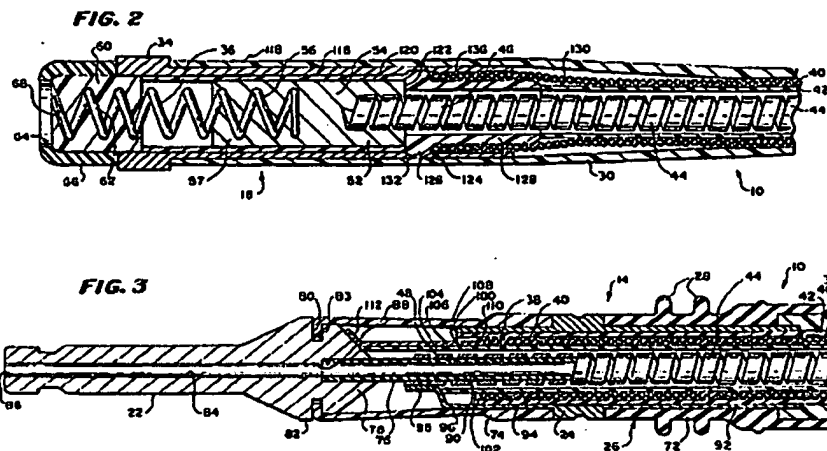
The above-identified application has been reviewed in light of the Office Action mailed on November 12, 2008. By the present amendment, claims 20-22 have been added herein. It is respectfully submitted that the pending claims are fully supported by the specification, introduce no new matter, and are allowable over the references of record.

In the Office Action, claims 1, 4-6, and 19 were rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,628,943 to Miller ("Miller"). According to the Office Action, Miller discloses a rotator including a longitudinal groove configured to receive a portion of a fastener.

Claim 1 recites an applicator including, *inter alia*, an actuator and "a rotator cooperating with the actuator, the rotator including a longitudinal groove extending along at least a portion thereof, the groove configured to receive a portion of a fastener."

Claim 19 recites an applicator including an actuator and "a rotator operatively coupled to the actuator, the rotator having a longitudinal groove adapted to receive a portion of a fastener."

Miller relates to a bipolar screw-in pacing lead 10 including a cathode electrode terminal pin/activating member 22, a helically wound metal ribbon/drive member 44, and a mounting member 54. Metal ribbon 44 has a distal end 46 and a proximal end 48, as seen in Figures 2 and 3 of Miller (reproduced hereinbelow). Miller's specification explicitly describes the interconnection between metal ribbon 44 and mounting member 54. "[T]he distal end 46 of metal ribbon 44 is electrically and mechanically connected to the proximal end 52 of a cylindrical mounting member 54." (Column 5, line 66 to Column 6, line 1). Bipolar screw-in lead 10 further includes a securing device 36. "A proximal end 56 of the securing device 36 is mounted to a distal end 57 of the mounting member 54." (Column 6, lines 3-5).



The Office Action characterized metal ribbon 44 as a rotator, securing device 36 as a fastener, and mounting member 54 as the distal end of a rotator. While the Office Action contended that metal ribbon 44 includes a longitudinal groove, the Office Action did not identify the alleged longitudinal groove with a reference numeral or in any other way. As discussed above, reference character 54 of Miller represents a mounting member, not the distal end of metal ribbon 44. Mounting member 54 is a separate component from metal ribbon 44. In fact, Miller's disclosure identifies the distal end of metal ribbon 44 with reference character 46. (See Column 5, line 63). Distal end 46 of metal ribbon 44 is connected to proximal end 65 of mounting member 54. Metal ribbon 44 does not include a longitudinal groove configured to receive a portion of a fastener. For at least the foregoing reasons, the applicants respectfully submit that Miller fails to disclose or suggest an applicator including, *inter alia*, a rotator having a longitudinal groove configured receive a portion of a fastener, as recited in claims 1 and 19.

Even if the applicants assume, for the sake of argument, that mounting member 54 is the distal end of metal ribbon 55, as alleged in the Office Action, the applicants respectfully submit

that Miller still fails to disclose or suggest a longitudinal groove configured to receive a portion of a fastener. As seen in Figure 2 of Miller (reproduced hereinabove), “[a] proximal end 56 of the securing device 36 is mounted to a distal end 57 of the mounting member 54.” (Column 6, lines 3-5). A thorough review of Miller’s disclosure reveals no mention of a longitudinal groove formed on either mounting member 54 or metal ribbon 44. Miller’s disclosure merely mentions that proximal end 56 of securing device 36 is *mounted* to distal end 57 of mounting member 54. In addition, Miller’s drawings do not illustrate a longitudinal groove extending through mounting member 54 or metal ribbon 44. The applicants respectfully invite the Examiner to identify the alleged longitudinal groove with a reference character or with an arrow pointing to the purported longitudinal groove in Miller’s drawings. Absent such showing, the applicants are forced to conclude that Miller fails to disclose or suggest an applicator including, *inter alia*, a longitudinal groove configured to receive a portion of a fastener, as recited in claims 1 and 19.

Claims 2 and 3 were rejected under 35 U.S.C. § 103(a) as being obvious over Miller in view of U.S. Patent No. 4,596,350 to Smith et al. (“Smith”). According to the Office Action, Miller discloses the applicators recited in claims 2 and 3 except for a lock/clip indicator and a load spring. The Office Action stated that Smith discloses a lock/clip indicator for engaging a plurality of fasteners from the applicator and a load spring for applying longitudinal forces against the lock/clip indicator and that it would be obvious to provide Miller with the lock/clip indicator and load spring of Smith.

As previously discussed, Miller does not disclose or suggest an applicator including an actuator and a “rotator including a longitudinal groove extending along at least a portion thereof, the groove configured to receive a portion of a fastener,” as recited in claim 1. Adding the lock/clip indicator and load spring of Smith to Miller fails to suggest the applicator recited in

claim 1. Smith fails to disclose any additional features that, in combination with Miller, suggest the applicator recited in claims 2 and 3. Since claims 2 and 3 depend from claim 1, it is respectfully submitted that these claims are in condition for allowance and the rejection of the Office Action has been overcome.

Claims 7 and 8 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller in view of U.S. Patent No. 5,100,420 to Green et al. ("Green"). According to the Office Action, Miller discloses the applicator recited in claim 8 except for a distal portion being disposable and the proximal portion being reusable. The Office Action asserted that Green discloses a distal portion being disposable and the proximal portion being reusable and that it would be obvious to provide Miller with the disposable distal portion and the reusable proximal portion of Green.

As discussed above, Miller does not disclose or suggest an applicator including an actuator and a "rotator including a longitudinal groove extending along at least a portion thereof, the groove configured to receive a portion of a fastener," as recited in claim 1. Adding the distal and proximal portions of Green to Miller fails to suggest the applicator recited in claim 1. Green fails to disclose or suggest any additional features that, in combination with Miller, suggest the applicator recited in claim 8. Since claim 8 depends from claim 1, it is respectfully submitted that this claim is in condition for allowance and the rejection of the Office Action has been overcome.

Claims 9 and 14 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller in view of U.S. Patent No. 5,607,436 to Pratt et al. ("Pratt"). The Office Action asserted that Miller discloses the applicators recited in claims 9 and 14 except for a lever having a first end, a midsection, a second end, a lead screw, and a nut driver. The Office Action stated that Pratt discloses a lever having a first end, a midsection, a second end, a lead screw, and a nut

driver and that it would be obvious to provide Miller with the lever, midsection, second end, lead screw, and nut driver of Pratt.

As discussed hereinabove, Miller does not disclose or suggest an applicator including an actuator and a "rotator including a longitudinal groove extending along at least a portion thereof, the groove configured to receive a portion of a fastener," as recited in claim 1. Adding the lever of Pratt to Miller fails to suggest the applicator recited in claim 1. Pratt fails to disclose or suggest any additional features that, in combination with Miller, suggest the applicator recited in claims 9 and 14. Since claims 9 and 14 depend from claim 1, it is respectfully submitted that these claims are in condition for allowance and the rejection of the Office Action has been overcome.

Claim 11 was rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller in view of Pratt. The Office Action noted that Miller discloses the applicator recited in claim 11 except for a lever having a midsection extension. The Office Action further stated that Pratt discloses a lever having a midsection extension and that it would be obvious to provide Miller with the lever of Pratt.

As discussed above, Miller does not disclose or suggest an applicator including an actuator and a "rotator including a longitudinal groove extending along at least a portion thereof, the groove configured to receive a portion of a fastener," as recited in claim 1. Adding the lever of Pratt to Miller fails to suggest the applicator recited in claim 1. Pratt fails to disclose or suggest any additional features that, in combination with Miller, suggest the applicator recited in claim 11. Since claim 11 depends from claim 1, it is respectfully submitted that this claim is in condition for allowance and the rejection of the Office Action has been overcome.

Claims 12, 13, 16 and 18 were rejected under 35 U.S.C. § 103(a) as being unpatentable

over Miller in view of Pratt. According to the Office Action, Miller discloses the devices recited in claims 12, 13, 16, and 18 except for gear teeth, a spring loaded pawl, and a ratchet mechanism. The Office Action asserted that Pratt discloses gear teeth formed within the interior of a handle, a spring loaded pawl pivotally attached to the midsection extension and adapted to engage the gear teeth and a releasable engagement means that is a ratchet mechanism and that it would be obvious to provide Miller with the gear teeth, the spring loaded pawl, and the releasable engagement means of Pratt.

As discussed hereinabove, Miller does not disclose or suggest an applicator including an actuator and a "rotator including a longitudinal groove extending along at least a portion thereof, the groove configured to receive a portion of a fastener," as recited in claim 1. Adding gear teeth, a spring loaded pawl, and a ratchet mechanism of Pratt to Miller fails to suggest the applicator recited in claim 1. Pratt fails to disclose or suggest any additional features that, in combination with Miller, suggest the applicator recited in claims 12, 13, 16, and 18. Since claims 12, 13, 16, and 18 depend from claim 1, it is respectfully submitted that these claims are in condition for allowance and the rejection of the Office Action has been overcome.

Claims 10 and 15 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Miller. The Office Action asserted that Miller discloses the devices recited in claims 10 and 15 except for the lead screw being a high helix lead screw and that it would have been obvious to provide a high helix lead screw.

As discussed above, Miller does not disclose or suggest an applicator including an actuator and a "rotator including a longitudinal groove extending along at least a portion thereof, the groove configured to receive a portion of a fastener," as recited in claim 1. Adding a high helix lead screw to Miller fails to suggest the applicator recited in claim 1. Since claims 10 and

15 depend from claim 1, it is respectfully submitted that these claims are in condition for allowance and the rejection of the Office action has been overcome.

Claims 17 and 18 were rejected under 35 U.S.C. § 103(a) as being obvious over Miller in view of Pratt and U.S. Patent No. 5,487,500 to Knodel et al. ("Knodel"). The Office Action stated that Miller and Pratt disclose the applicator recited in claims 17 and 18 except for a plurality of teeth formed on the mid-section extension. The Office Action asserted that Knodel discloses a mid-section extension formed with a plurality of teeth and that it would be obvious to provide Miller and Pratt with the plurality of teeth of Knodel.

As previously discussed, Miller does not disclose or suggest an applicator including an actuator and a "rotator including a longitudinal groove extending along at least a portion thereof, the groove configured to receive a portion of a fastener," as recited in claim 1. Adding the mid-section extension of Knodel to Miller and Pratt fails to suggest the applicator recited in claim 1. Knodel fails to disclose or suggest any additional features that, in combination with Miller and Pratt, suggest the applicators recited in claims 17 and 18. Since claims 17 and 18 depend from claim 1, it is respectfully submitted that these claims are in condition for allowance and the rejection of the Office Action has been overcome.

Claims 20-22 have been added herein. Each of claims 20-22 depends from claim 19. As discussed above, Miller, by itself or in combination with any of the cited reference, does not disclose or suggest the applicator recited in claim 19. Since claims 20-22 depend from claim 19, the applicants respectfully submit that claims 20-22 are not disclosed or suggested by Miller and are therefore in condition for allowance.

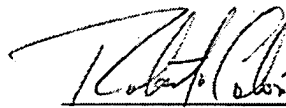
In view of the foregoing, reconsideration of the application and allowance of claims 1-22 is earnestly solicited. Should the Examiner desire a telephonic interview to resolve any

Appl. No. 10/755,427
Amendment dated February 5, 2009
Reply to Office Action Mailed November 12, 2008

outstanding matters, the Examiner is sincerely invited to contact the undersigned at (631) 501-5710.

Please charge any deficiency as well as any other fee(s) which may become due under 37 C.F.R. § 1.16 and/or 1.17 at any time during the pendency of this application, or credit any overpayment of such fee(s) to Deposit Account No. 21-0550. Also, in the event any extensions of time for responding are required for the pending application(s), please treat this paper as a petition to extend the time as required and charge Deposit Account No. 21-0550 therefor

Respectfully submitted,



Roberto Colón
Reg. No. 58,651
Attorney for Applicants

Carter, DeLuca, Farrell & Schmidt, LLP
445 Broad Hollow Road - Suite 420
Melville, New York 11747
Tel.: (631) 501-5710
Fax: (631) 501-3526

Send correspondence to:

Chief Patent Counsel
Covidien
60 Middletown Avenue
North Haven, Connecticut 06473